U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

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PUBLIC COPY

[redacted]

DATE: DEC 15 2011 OFFICE: TEXAS SERVICE CENTER

FILE [redacted]
SRC

IN RE: Petitioner: [redacted]
Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:

[redacted]

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of $630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, denied the employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will summarily dismiss the appeal.

The petitioner seeks classification pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2), as a member of the professions holding an advanced degree. The petitioner seeks employment as a physician specializing in cardiology. The petitioner asserts that an exemption from the requirement of a job offer, and thus of a labor certification, is in the national interest of the United States. The director found that the petitioner qualifies for classification as a member of the professions holding an advanced degree, but that the petitioner had not established that an exemption from the requirement of a job offer would be in the national interest of the United States.

8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part, "[a]n officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal."

On the Form I-290B Notice of Appeal, counsel checked a box reading "My brief and/or additional evidence is attached." Counsel did not indicate that any future supplement would follow. Therefore, the initial appellate submission constitutes the entire appeal. The petitioner submitted no exhibits on appeal except for a copy of the denial notice.

The Form I-290B includes a space for the petitioner to "[p]rovide a statement explaining any erroneous conclusion of law or fact in the decision being appealed." In a one-sentence statement, counsel states: "The record reflects through [the petitioner's] leading roles at prominent medical institutions along with his history of original publications and significant contributions to the field of cardiology that [the petitioner] has demonstrated that a waiver of the labor certification process would be in the national interest." Counsel does not elaborate as to the nature of the claimed "leading roles" and "significant contributions." The director, in the denial notice, had acknowledged that the petitioner is "knowledgeable in cardiology and cardiac resynchronization therapy," but asserted: "It is not sufficient for the petitioner to simply enumerate the alien's qualifications." Enumerating them again on appeal cannot overcome that finding.

In an accompanying statement, counsel states that the petitioner's unspecified "great contributions to the field" distinguish the petitioner from his peers. Counsel, however, does not elaborate or explain how the director failed to take the petitioner's previous evidence into consideration.

Counsel acknowledges that the medical societies to which the petitioner belongs do not require outstanding achievements, but states that "this is the norm." The director, however, did not raise the issue of the petitioner's memberships as a basis for denial. Counsel asserts that the petitioner's "record of publication is very impressive," but this is a conclusion with no supporting argument. Counsel further asserts generally that the petitioner "has judged the work of even senior peers" and "has been indispensable" to the university department where he works. Counsel does not, however, allege any

specific factual or legal errors or other deficiencies in the director's decision. Counsel merely asserts that, given the petitioner's (unspecified) achievements, the director should have approved the petition.

Because counsel has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal, the AAO must summarily dismiss the appeal.

ORDER: The appeal is dismissed.